

LAHIVE
&
COCKFIELD
L L P

COUNSELLORS AT LAW
28 STATE STREET
BOSTON, MASSACHUSETTS 02109-1784
TELEPHONE (617) 227-7400
FAX (617) 742-4214
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)
THOMAS V. SMURZYNSKI
RALPH A. LOREN
GIULIO A. DeCONTI, JR.
ANN LAMPORT HAMMITTE
ELIZABETH A. HANLEY
AMY BAKER MANDRAGOURAS
ANTHONY A. LAURENTANO
KEVIN J. CANNING
JANE E. REMILLARD
DeANN FORAN SMITH
PETER C. LAURO
DEBRA J. MILASINCIC, Ph.D.
DAVID J. RIKKERS
DAVID R. BURNS
JOHN S. CURRAN
SEAN D. DETWEILER
MEGAN E. WILLIAMS, Ph.D.

LISA M. DINEEN
HATHAWAY P. RUSSELL
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.
VINCENT P. LOCCISANO
MERIDETH G. ARNOLD
DANIELLE L. HERRITT
EUIHOON LEE **

SENIOR COUNSEL
JAMES E. COCKFIELD

OF COUNSEL
JEREMIAH LYNCH
WILLIAM A. SCOFIELD, JR.
SIBLEY P. REPPERT
JEANNE M. DIGIORGIO
CYNTHIA L. KANIK, Ph.D.

PATENT AGENTS
THEODORE R. WEST
SHAYNE Y. HUFF, Ph.D.
CYNTHIA M. SOROOS
PETER W. DINI, Ph.D.
JONATHAN M. SPARKS, Ph.D.

TECHNICAL SPECIALISTS
CATHERINE M. BISHOP
JACOB G. WEINTRAUB
CRISTIN E. HOWLEY, Ph.D.
JILL ANN MELLO, Ph.D.

* Admitted in TX only
** Admitted in CT only

Rec'd PCT/PTO 12 MAR 2003

March 12, 2003

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 10/031,722
(National Phase of International Application No. PCT/US00/20272)
I.A. Filing Date: July 25, 2000
Applicants: Tibor Keler, *et al.*
Title: HUMAN MONOCLONAL ANTIBODIES TO HER2/NEU
Attorney Docket No.: MXI-160US

Dear Sir:

Enclose herewith for filing in the above-identified application the following:

1. Response to Notification of Defective Response (1 sheet);
2. A Copy of Form PCT/DO/EO/916 (Notification Defective Response in the United States Designated/Elected Office (DO/EO/US)) (2 sheets);
3. Executed Declaration, Petition and Power of Attorney document (4 sheets);
4. Sequence Listing Transmittal Letter (1 sheet);
5. Sequence Listing (10 sheets);
6. Diskette containing Sequence Listing; and
7. Return acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *A duplicate of this sheet is enclosed.*

"Express Mail" mailing label number EL 250 314 413 US

Date of Deposit March 12, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Box PCT, Washington, DC 20231

Signature

Ilidio P. Cardoso

Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By

Jane E. Remillard
Jane E. Remillard, Esq.
Reg. No. 38,872
28 State Street
Boston, MA 02109
617-227-7400

Res'd PCT/TO 12 MAR 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Tibor Keler, *et al.*

Serial No.: 10/031,722

I.A. Filing Date: July 25, 2000

For: HUMAN MONOCLONAL ANTIBODIES TO
HER2/NEU

Attorney Docket No.: MXI-160US

Group Art Unit:

Examiner:

Commissioner for Patents
Box PCT
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE IN THE UNITED
STATES DESIGNATED/ELECTED OFFICE

Dear Sir:

Responsive to the *Notification of Defective Response* dated February 3, 2003, Applicants' attorney submits herewith the executed Declaration, Petition and Power of Attorney document for the above-referenced patent application. Also enclosed are a Sequence Listing Transmittal Letter; a paper copy of the Sequence Listing (10 sheets); a computer readable diskette containing the Sequence Listing; a copy of Form PCT/DO/EO/916; and a return postcard.

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. A duplicate of this letter is enclosed.

"Express Mail" mailing label number EL 250 314 413 US

Date of Deposit March 12, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Box PCT, Washington, DC 20231

Signature

Ilidio P. Cardoso

Please Print Name of Person Signing

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By

Jane E. Remillard
Jane E. Remillard, Esq.
Reg. No. 38,872
28 State Street
Boston, MA 02109
617-227-7400

Rec'd PCPTO 12 MAR 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/031,722	FIRST NAMED APPLICANT Tibor Keller	ATTY. DOCKET NO. MXI-160US
INTERNATIONAL APPLICATION NO. PCT/US00/20272		
I.A. FILING DATE 07/25/2000	PRIORITY DATE 07/29/1999	

Jane E Remillard
Lahive & Cockfield
28 State Street
Boston, MA 02109

DOCKETED

*March 13, 2003 Oath & Decl Due
Sequence 11g & Decl
no extension*

CONFIRMATION NO. 6148

371 FORMALITIES LETTER

OC00000009454639

Date Mailed: 02/03/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- o U.S. Basic National Fee
- o Priority Document
- o Biochemical Sequence Listing
- o Copy of IPE Report
- o Copy of references cited in ISR
- o Copy of the International Application
- o Copy of the International Search Report
- o Information Disclosure Statements
- o Oath or Declaration

RECEIVED LAHIVE & COCKFIELD DOCKET DEPT.	
FEB 07 2003	
RETRIEVED:	2/7 Mar
FORWARDED:	

Applicant's response filed 10/15/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/12/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- o Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Both inventors must be listed in each declaration submitted.

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

ec

- o The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- o For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 305-3693

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,722	PCT/US00/20272	MXI-160US